

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 1:19-cv-12551-FDS

Hon. F. Dennis Saylor IV

**PLAINTIFF SINGULAR COMPUTING LLC'S UNOPPOSED  
MOTION TO IMPOUND PURSUANT TO LOCAL RULE 7.2**

Pursuant to Local Rule 7.2 and the Protective Order in this case (“Protective Order”), ECF No. 87, plaintiff, Singular Computing LLC (“Singular”), respectfully requests the Court to impound (seal): Plaintiff’s Opposition to Google’s Motion to Exclude Certain Expert Testimony of Dr. Sunil Khatri, Ph.D., and Exhibits A-C to the Declaration of Brian Seeve in support of Plaintiff’s Opposition to Google’s Motion to Exclude Certain Expert Testimony of Dr. Sunil Khatri, Ph.D. Defendant Google LLC (“Google”) does not oppose this Motion to Impound/Seal.

The Protective Order allows the parties to designate discovery material as “Highly Confidential - Source Code” or “Highly Confidential - Attorney’s Eyes Only” after making a determination it “contains or reflects information that is extremely confidential and/or sensitive in nature and the Producing Party reasonably believes that the disclosure of such Discovery Material is likely to cause economic harm or significant competitive disadvantage to the Producing Party.” *Id.* at ¶ 8(a) and ¶ 9(a).

The Protective Order requires a party intending to make court filings referring to material designated as “Highly Confidential Attorney’s Eyes Only” to bring a motion to impound. *Id.* at ¶ 14. The following contain information that has been designated by one or both of the parties

hereto as “Highly Confidential - Source Code” or “Highly Confidential - Attorney’s Eyes Only” under the Protective Order:

- Plaintiff’s Opposition to Google’s Motion to Exclude Certain Expert Testimony of Dr. Sunil Khatri, Ph.D.; and
- Exhibits A - C to the Declaration of Brian Seeve in support of Plaintiff’s Opposition to Google’s Motion to Exclude Certain Expert Testimony of Dr. Sunil Khatri, Ph.D.

Accordingly, redacted public versions of the above documents were filed today. For the Opposition to Google’s Motion to Exclude Certain Expert Testimony of Dr. Sunil Khatri, Ph.D, Singular filed a redacted version with quotations and/or discussions of material that has been designated as containing “Highly Confidential - Source Code” or “Highly Confidential - Attorney’s Eyes Only” information.

For the foregoing reasons, Singular respectfully requests that the Court permit it to file the above identified documents under seal. Singular further requests that the documents remain impounded until further Order by the Court, and that upon expiration of the impoundment that the documents be returned to Singular’s counsel.

Dated: May 19, 2023

Respectfully submitted,

/s/ Kevin Gannon

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ATTORNEYS FOR THE PLAINTIFF

**LOCAL RULE 7.1(a)(2) CERTIFICATION**

I hereby certify that counsel for Singular conferred with Defendant's counsel in a good-faith attempt to resolve or narrow the issue raised by this motion. Defendant's counsel informed me that Google does not oppose the relief sought in this motion.

/s/ Kevin Gannon

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Kevin Gannon